

DAVID J. BROWN (State Bar No. 56628)
BENJAMIN J. RILEY (State Bar No. 226904)
MBV LAW LLP
855 Front Street
San Francisco, California 94111
Telephone: 415-781-4400
Facsimile: 415-989-5143

Attorneys for Defendant
TIBERON MINERALS LTD.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TREVOR MOSS,

Plaintiff,

v.

TIBERON MINERALS LTD.,

Defendant.

CASE No. C 07 2732 EDL

**NOTICE OF MOTION AND MOTION
TO DISMISS FOR FORUM NON-
CONVIENS**

Date: October 26, 2007
Time: 10:00 a.m.
Dept.: Courtroom 1, 17th Floor
Judge: Hon. Samuel Conti

TO PLAINTIFF TREVOR MOSS AND HIS ATTORNEY OF RECORD:

Please take notice that on October 26, 2007 at 10:00 a.m. in Courtroom 1, 75th Floor of the Northern District Court located at 450 Golden Gate Avenue, San Francisco, California, defendant Tiberon Metals Ltd. will move to dismiss plaintiff Trevor Moss's complaint on *forum non-conviens* grounds because, among other reasons, the labor contract that Moss is suing under contains an explicit Canadian choice-of-law provision, Canadian courts are better suited to interpret and enforce Canadian contract and labor laws, and all of the relevant witnesses are located in Canada or outside the Northern District (except for Moss).

The motion will be based on this Notice of Motion and Motion; the accompanying

By _____ /s/
DAVID J. BROWN
Attorneys for Defendant
TIBERON MINERALS LTD.